

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 103A.56, the Building Code Commissioner hereby amends Chapter 372, “Manufactured or Mobile Home Retailers, Manufacturers, and Distributors,” Iowa Administrative Code.

Iowa Code chapter 103A, Division IV, assigns to the Building Code Commissioner responsibility for regulating the manufactured housing industry, including the licensing of manufactured home retailers, manufacturers, and distributors. The current rules establish a fee for a new license (\$100), which is prescribed in the statute and which requires that a new license be issued when a manufacturer or distributor relocates. The amendment adopted herein provides that if the relocation is due to conditions related to a disaster emergency, a new license is not required and an amended license shall be issued at no cost to the licensee.

Pursuant to Iowa Code section 17A.4(2), the Building Code Commissioner finds that notice and public participation prior to the adoption of this amendment are impracticable, as it is desirable that licensees be allowed to relocate their place of business in times of disaster.

Pursuant to Iowa Code section 17A.5(2)“b”(2), the Building Code Commissioner further finds that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment be made effective July 1, 2008, after filing with the Administrative Rules Coordinator. This amendment confers a benefit upon the public by allowing manufactured home retailers, manufacturers, and distributors to relocate during disaster emergencies without a lapse in licensure.

This amendment is also being proposed in a Notice of Intended Action in order to allow for public comment. The Notice is published herein as **ARC 7006B**.

This amendment became effective July 1, 2008.

This amendment is intended to implement Iowa Code section 103A.52.

The following amendment is adopted.

Amend paragraph **372.8(4)“a”** as follows:

a. Any change in the name, method of doing business or location of the place of business as shown on the license and shall include a fee of \$100 in payment of a new license reflecting the change. However, a change in the location of the place of business when the original location is in an area subject to a disaster emergency proclamation issued by the governor pursuant to Iowa Code section 29C.6 and when the relocation results from flooding, storm damage, or other conditions which form a basis for issuance of the disaster emergency proclamation shall not require the issuance of a new license. In these circumstances, an amended license shall be furnished to the licensee at no charge to the licensee.

[Filed Emergency 6/30/08, effective 7/1/08]

[Published 7/30/08]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/30/08.